

PROSECUTORS GET STEEL GRANT CASE; L. W. W. SPIES HIRED

Activities of Trust's Subsidiaries Called to Grand Juries' Attention.

GARY ISSUES A DENIAL

American Bridge Co. Never Violated Law, or Knowingly Permitted It, He Says.

ERECTORS AGAIN ACCUSED

\$50 Spotter Sent Around to Ascertain if Foremen Hire Union Men.

All of the testimony taken this week by the Lockwood committee concerning the activities of steel manufacturers and their several associations in their fight to maintain the open shop and restrict the sale of their products to builders employing non-union labor was ordered sent yesterday to the State Grand Juries and the United States prosecuting attorneys.

This action was taken upon the recommendation of Samuel Untermyer, counsel for the committee, after further testimony had been given that the National Steel Erectors' Association, a subsidiary of the steel trust, had employed secret agents of the L. W. W. in the war on unions.

Elbert H. Gary, chairman of the United States Steel Corporation, issued the following statement last evening from his office:

"I have not had opportunity to read the full proceedings before the committee, but I believe full investigation of the subject matter will show that nothing has been done by the American Bridge Company concerning the matter which is contrary to law or in any respect reprehensible—certainly not with the knowledge or approval of the officers of the United States Steel Corporation or of the American Bridge Company."

Steel Inquiry About Ended.

"We have concluded all the testimony we can offer on this question of the interference by the steel fabricators and iron erectors with the erection of structural iron and steel by any means by which the people choose to erect it, and have presented such facts as have come to our notice up to this time," Mr. Untermyer said. "Whether or not we shall care to go any further with this will depend on future revelations, but I think it is my duty to say to the committee that the proof as thus far submitted should be forwarded to the United States District Attorney, sitting in the County of Grand Jury that is sitting in this county for such action as they may see fit to take with respect to what would appear to be a flagrant violation of law or a series of flagrant violations, both of the State law and of the interstate law, and I shall take the direction of the committee as to the forwarding of this testimony, with the exhibits, for such action as the authorities may see fit to take, if they see fit to take any."

Charles E. Cheney, small and gray haired, secretary of the Erectors Association, was called to the stand to give the concluding testimony on the steel inquiry.

"What did the National Erectors have to do with the L. W. W.?" Mr. Untermyer asked.

"Nothing that I know of," Cheney answered.

"Did your association pay the L. W. W. any money?"

"Not that I know of," Cheney answered.

"Look at this check which says, 'Unpaid advance to the L. W. W., \$100. Bureau of Information, \$175.' What does that mean? It seems plain there; can you make it out?"

Mr. Cheney examined the record handed him and said the entry was plain enough, but he could not make it out. The witness said he signed the minutes of a meeting when the entry was recorded, but could not explain the transaction.

"Were the iron erectors secretly paying the L. W. W.?" Mr. Untermyer asked.

"Not that I know of," Cheney answered.

"You were supposed to be fighting the L. W. W. pretty hard at the time?" said Mr. Untermyer, referring to the year 1912.

"Not as hard then as later," Cheney answered.

Checks offered in evidence by Mr. Untermyer included one to E. F. Fox, labor manager, for \$275, chargeable to the Bethlehem Bridge Corporation for employment of three "secret agents." Another check for \$227 was alleged to have been used for the expenses of detectives sent to Cuba.

After questioning the witness at length regarding the many ways used to find out whether workmen were union members or not, Mr. Untermyer asked:

"Your idea of an open shop is one in which the foremen are expected to see to it that there are no union men employed, is that it?"

"You can take it that way," Cheney answered.

Prosecutors Ignore Appeals.

"Is there any other way to take it?"

"Not from that record."

"And this is your record—a truthful record, isn't it?"

"It is a truthful record."

"Don't you know that you employed a man among the foremen, a sort of spy, at \$50 a week, whose duty it was to go around and see if any of the foremen employed union men?"

"I know that we had a man employed to go around to the jobs."

"What was he to do around for?"

"To find out what the situation was."

"What do you mean by situation?"

"As to what foremen were on the job, and what class of men were on the job."

Statute Changed to Save Sacramental Wines

BOSTON, Dec. 17.—The word "intoxicating" was substituted for "spirituous" in a statute relating to intoxicating liquors by the State House of Representatives to-day after a member had explained that as the law was phrased the sale of sacramental wines was prohibited.

The statute had the word "spirituous" in defining the right of certain licenses to sell liquors for other than beverage purposes. Court decisions, however, have defined spirituous liquors as distilled liquors.

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legal, definitely and publicly abandon them and accept such consequences as seemed just and proper to the court under all of the circumstances.

"My advice has been ungrudgingly accepted and fully carried out. The combination or group complained of has been broken up and permanently disbanded. All information sought by the National Steel Erectors' Association has been frankly placed at the disposal of its counsel without reserve. So far as possible the committee has been kept in the loop of the work. All of the defendants who have been asked to do so have gone before the Grand Jury and stated the facts, waiving any claims of immunity. They knew that they were absolutely innocent of any criminal intent, that they had relied implicitly on what they believed to be competent legal advice and felt that in passing judgment both the court and the public would take these facts into consideration.

"This has been no combination of prosperous concerns to boost prices or profiteer. On the contrary, it has been a desperate and ill advised effort to keep a falling business going. Not one of these concerns shows a net profit for the period of the last five years.

"To accomplish the division of the work estimates were submitted to a central office, and from time to time when it was found that among rival bidders one had more work in hand than its agreed proportion, and another was below its quota, the parties were in some cases advised to change their estimates in such manner as to make the one to whom the work was to be allotted the lowest bidder.

"In this manner these concerns have worked on and off since 1912. There were periods when it was abandoned, but during the depression in the trade while the war was in progress the plan was revived. The arrangement embraced only about 60 per cent. of the trade. No coercion or influence was employed by members to bring others into the group. All were free to join or leave as they saw fit. In entering into this arrangement the whole purpose of these contractors was to keep their heads above water and maintain a business which was threatened with destruction."

Defendants Aided Untermyer.

When Mr. Shearn had finished Mr. Untermyer stated that he was satisfied that the assertion regarding the financial abilities of the defendants was correct.

"But I do not agree with Judge Shearn as to his statement of the facts or the circumstances surrounding the commission of this offense," Mr. Untermyer declared.

Then, continuing to address the court, Mr. Untermyer declared:

"We found that Hettrick had assured them of the legality of their operations; that he had given them written opinions as to the legality of the scheme and that he had gone further. As a result of investigation by the Federal authorities he had assured them that the Department of Justice had given them a clean bill of health, when in point of fact it now transpires that the agents of the Department of Justice had advised that these were unlawful combinations. The entire operation of the scheme was in Hettrick's hands. He was the author of it. He was the man who executed it."

"Under these circumstances, and having regard for the use that these people have been to the State in the prosecution that are now under way and in others that are about to be brought, in view of the fact that their aid is likely to enable us to uncover felonious acts in the way of defrauding the city and other funds which otherwise never could have been uncovered, I have taken the responsibility, and I take it unhesitatingly, of recommending that these men and others be punished."

Justice McAvoy, upon being assured that there was no distinction between the cases of the various defendants before the bar, then imposed the fines, deciding that in event of inability to pay any individual defendant should serve one day in the city prison for each dollar. He paroled the defendants in the custody of counsel for twenty-four hours.

List of Defendants.

The two defendants who were in business as individuals and who were fined \$5,000 each, were Henry Hanlein, the contractor just whose contract for the furnishing of limestone to the city for the new court house was cancelled by the Mayor following early revelations before the committee, and Rudolph Buos. The other defendants were the corporations that they represented: Edwin Shuttleworth Company, Edwin Shuttleworth; James Gillies & Son, John Gillies; H. J. Horner & Son, Pierre J. Horner; The Shaw & Brown Company, George G. Barr; Monahan Stone Company, Frank J. McCann; William Bradley & Son, E. J. Kelly; B. A. & G. Williams, Inc., Herbert D. Brown; George Brown & Co., Gilbert C. Brown; James McLaren & Sons, James McLaren; J. J. Spurr & Sons, Edwin R. Spurr; Durl & Davidson, John Davidson; the younger David Miller Company, John E. Miller; John R. Smith's Son, Clarence P. Smith; Nelson Brothers Company, James Nelson.

Mr. McCann was substituted as a defendant in the place of the planning in the place of John P. Monahan, whose indictment was dismissed. Mr. Monahan had been indicted upon the supposition that he was still president of the Monahan Stone Company, but it appeared yesterday that Mr. McCann is the president.

The row that shook the Lockwood Committee earlier in the day was precipitated by Senator Kaplan at the moment that Mr. Untermyer moved an adjournment of the committee's public hearing in order that he might be present in court when the thirty defendants should plead.

Untermyer Flights Proposal.

"Before we adjourn," said Senator Kaplan, "I would like to move that if there are any pleas of guilty to any indictment or charges by any Grand Jury against any organization or anybody arising out of this investigation, that counsel to this committee be requested that it is the sense of this committee that the court be asked to impose the maximum jail sentence upon any one pleading guilty."

Mr. Untermyer interrupted to say: "I hope, Mr. Chairman, that no such motion will be put. In the first place, this committee is not concerned with the proceedings in a criminal court as a committee. In the next place, the responsibility for dealing with the disposition of indictments rests with the court."

"In this place, the gentleman who puts the motion cannot possibly know anything about the conditions that confront counsel or that confront the court or that confront the prosecuting officers in prosecuting these indictments; and in the absence of any such knowledge it would be a monstrous thing for the committee to go on record asking any such direction from counsel."

"I have received notice through the editorial columns of a newspaper in this city this morning," Mr. Untermyer continued, "of just the sort of an attack upon the committee, and I am sure that the counsel for this committee, and I propose to do my duty regardless of any such attacks."

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Kaplan Starts an Uproar.

The crowd which filled the chamber applauded loudly. Mr. Kaplan, flushed and angry, shouted for recognition.

"I will rule on the motion and the Senator can appeal from my decision if he so wishes," Senator Lockwood declared.

All the members of the committee were on their feet now. Senator Lockwood was pounding with his gavel and the chamber was in an uproar.

The chair decided against the motion. Senator Kaplan shouted: "The chair has not been consulted by the court nor by the District Attorney, with whom responsibility rests; I rule the motion out of order."

"I appeal from the decision," Senator Kaplan shouted. "I demand an opportunity to be heard."

Sensor Lockwood turned on Kaplan and pounded the desk in front of the Senator. The members of the committee were on their feet now. Senator Lockwood was pounding with his fist. Above the uproar Lockwood was heard shouting:

"You have gotten away with this big noise long enough."

"It is contrary to the public interest that these things should be discussed in this way in public session; it is an outrage upon public interest," Mr. Untermyer declared.

"This is the very reason I left a sick bed to come here to-day," Senator Lockwood said. He looked ill. "I anticipated something like this," he went on to say. "I was going to be here to-night."

"I appeal from the decision of the chair," Kaplan shouted.

"This is outrageous and indecent," Mr. Untermyer declared.

"The motion is out of order and the committee will go into executive session," Mr. Lockwood announced.

"I will not go into any executive session. I am going to have my say here," Senator Kaplan said.

Kaplan Alone in His Fight.

But the committee did go into secret session and Kaplan went along. Then it was discovered that the Democratic members were in a majority. Two of the Republicans had been excused and gone home and the committee stood four Democrats and three Republicans.

Scores of men gathered around the big plate glass door leading into the private room where the committee sat and for half an hour watched the Senators, Assemblymen and counsel waving their arms and shaking fists at one another. No word was heard, but the pantomime was interesting. After the session ended Mr. Untermyer hurried away to the Criminal Court Building, but the members of the committee kept up the pantomime for another twenty minutes. Senator Lockwood came out and dictated a statement.

The committee decided, the Senator said, that it had no jurisdiction over criminal proceedings and would express no opinion thereon. The members stated in their discussion that it would be grossly improper for them to tell the court what sentences should be imposed. The committee further declared it had full confidence in the Department of Justice and Mr. Untermyer and Messrs. Wallstein and Berger.

Kaplan alone voted against the resolution, the other Democrats refusing to stand by him.

WOMAN ASSAULT PUNISHED.

Salvatore Barrone, one of the three men convicted of assault upon Mrs. John Arnold, wife of an army sergeant, last August near Rahway, N. J., was sentenced yesterday at Somerville, N. J., to Rahway Reformatory. Barrone testified against the other two men, each of whom received sentences of eighteen months to three years. Mrs. Arnold committed suicide in the Somerset county jail where she was taken after the attack.

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